



Broadcasting Decision CRTC 2008-355

Ottawa, 16 December 2008

Wesley United Church Radio Board
St. John's, Newfoundland and Labrador

Application 2008-0150-8, received 28 January 2008
Broadcasting Public Notice CRTC 2008-47
27 May 2008

VOWR St. John's – Licence renewal

The Commission renews the broadcasting licence for the religious radio station VOWR St. John's from 1 January 2009 to 31 August 2012. This short-term renewal will enable the Commission to assess at an earlier date the licensee's compliance with the requirement relating to the filing of annual returns set out in the Radio Regulations, 1986.

Introduction

1. The Commission received an application by Wesley United Church Radio Board to renew the broadcasting licence for the religious radio programming undertaking VOWR St. John's. The licence expires 31 December 2008.¹
2. The Commission received an intervention by the Canadian Independent Record Production Association (CIRPA) expressing concern regarding the apparent failure of the licensee to fulfill its obligations relating to Canadian talent development (CTD) contributions. The licensee did not reply to this intervention.

Non-compliance

3. In Broadcasting Public Notice 2008-47, the Commission incorrectly stated that the licensee may have failed to comply with its condition of licence relating to CTD contributions for the broadcast years 2001 through 2005, as well as for the 2007 broadcast year. The Commission notes that the non-compliance in fact relates to the licensee's failure to submit annual returns for the same years, as required by section 9(2) of the *Radio Regulations, 1986* (the Regulations). The Commission is of the view that the intervention would not have been submitted had the public notice correctly reflected the nature of the non-compliance.

¹ In Broadcasting Decision 2008-245, the Commission administratively renewed the licence for VOWR St. John's from 1 September to 31 December 2008.

Commission's analysis and determinations

4. The Commission notes that this is the first time that the licensee has been found to be in non-compliance with the requirements relating to the filing of annual returns set out in the Regulations. The Commission directs the licensee to submit its missing annual returns for the broadcast years 2001 to 2005 and 2007 no later than 31 January 2009. A **condition of licence** to this effect is set out in the appendix to this decision.
5. As set out in Circular No. 444, where apparent non-compliance is observed for the first time, the station is normally granted a short-term licence renewal, generally for four years, to permit a further review of its compliance within a reasonable period of time. As such, the Commission finds it appropriate to renew the licence for this undertaking for a short-term period of four years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to assess at an earlier date the licensee's compliance with the requirement relating to the filing of annual returns.
6. Accordingly, the Commission **renews** the broadcasting licence for the religious radio programming undertaking VOWR St. John's from 1 January 2009 to 31 August 2012. The licence will be subject to the **conditions** set out therein, as well as to the **conditions** set out in the appendix to this decision.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008
- *Renewals for radio programming undertaking licences due to expire in 2008*, Broadcasting Public Notice CRTC 2008-47, 27 May 2008
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2008-355

Conditions of licence and encouragement

Conditions of licence

1. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), in any broadcast week where at least 90% of musical selections from content category 2 that it broadcasts are selections released before 1 January 1981:
 - a) in that broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - b) between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

The licensee will also be responsible for specifying, on the music lists it provides to the Commission, the year of release for all musical selections it broadcasts.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

2. The licensee shall submit its annual returns for the broadcast years 2001 to 2005 and 2007 no later than 31 January 2009.
3. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall adhere to the Canadian Association of Broadcasters’ *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.